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NO. 069

P. 1

JUN 03 2002

GROUP 1600

Atty Docket No. 020015-000110US

PTO FAX NO.: 703-872-9306

ATTENTION: Examiner Q. Nguyen

Group Art Unit 1632

OFFICIAL COMMUNICATION
FOR THE PERSONAL ATTENTION OF
EXAMINER Q. Nguyen

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following document(s) in re Application of Buechler et al., Application No. 09/453,234, filed December 1, 1999 for HUMAN ANTIBODIES is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Document(s) Attached

1. CPA Request Transmittal (2 pp.);
2. Receipt for Facsimile Transmitted CPA (1 p.);
3. Petition for Extension of time and duplicate (2 pp.).

Number of pages being transmitted, including this page: 6

Dated: May 31, 2002


Paula Faulk Hurley

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY
RETURN FACSIMILE AT 650-326-2422**

TOWNSEND and TOWNSEND and CREW LLP
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PA 3226741 v1

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NO. 069

P. 2

PTO/SB/28 (10-00)

GROUP 1600

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing

CHECK BOX, if applicable

☐ DUPLICATE

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

Address to:

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

Attorney Docket No.
of Prior Application

020015-000110US

First Named Inventor

Joe Buechler

Examiner Name

Quang Nguyen

Group Art Unit

1632

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),

(continued prosecution application (CPA)) of prior application number 09/453,234

filed on December 1, 1999, entitled Human Antibodies

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 28, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 28, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1293 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or application in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application
2. ☐ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
 - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:

 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

06/04/2002 TJXNS04 02000001 2/1430 09453234

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

Received from <16503262422> at 5/31/02 5:09:27 PM [Eastern Daylight Time]

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (i))		-20* =		x =	
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (j))		-3** =		x =	
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				x =	
				BASIC FEE (37 CFR 1.16)	
				Total of above Calculations =	
Reduction by 60% for filing by small entity (Note 37 CFR 1.27).					
* Reissue claims in excess of 20 and over original patent.					
** Reissue independent claims over original patent.					
TOTAL =					

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 20-1430 :

a. ☐ Fees required under 37 CFR 1.16.

b. ☐ Fees required under 37 CFR 1.17.

c. ☐ Fees required under 37 CFR 1.18.

8. ☐ A check in the amount of \$ _____ is enclosed.

9. ☐ Payment by credit card. Form PTO-2038 is attached.

10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(l) enclosed.

11. ☐ New Attorney Docket Number, if desired
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]

12. a. ☒ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)

b. ☐ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)

13. ☐ Other: _____

NOTE:

The order application for correspondence address will carryover to this CPA unless a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS☒ Customer Number or Bar Code LabelCustomer No. 20350
(Insert Customer No. or Attach bar code label here)or ☐ New correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)

Joe Liebeschuetz

Signature



Registration No. (Attorney/Agent)

37,505

Date

May 31, 2002

PTO/SB/29A (08-00)

Approved for use through 10/31/2002. OMB 085-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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If this RECEIPT is included with a request for a CPA filed by facsimile transmission, it will be date stamped and mailed to the ADDRESS in Item 1.		RECEIPT FOR FACSIMILE TRANSMITTED CPA (To accompany a request for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) filed by facsimile transmission)
1. ADDRESS	Applicant's Mailing Address for this receipt <u>must</u> be CLEARLY PRINTED or TYPED in the box below.	
TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8 th Floor San Francisco, California 94111		
NOTE: By this receipt, the USPTO (a) acknowledges that a request for a CPA was filed by facsimile transmission on the date stamped below by the US PTO and (b) Verifies only that the application number provided by the applicant on this receipt is the same as the application number provided on the accompanying request for a CPA. This receipt CANNOT be used to acknowledge receipt of any paper(s) other than the request for a CPA.		
2. APPLICATION IDENTIFICATION: (Provide at least enough information to identify the application)		
a. For prior application		
Application No: 09/453,234		
Filing Date: December 1, 1999		
Title: HUMAN ANTIBODIES		
Attorney Docket No: 020015-000110US		
First Named Inventor:		
b. For instant CPA application		
New Attorney Docket No: (if applicable)		
The USPTO date stamp, which appears in the box to the right, is an acknowledgement by the USPTO of receipt of a request for a CPA filed by facsimile transmission on the date indicated below.		(THIS AREA FOR PTO DATE STAMP USE)
USPTO HANDLING INSTRUCTIONS Please stamp area to the right with the date the complete transmission of the request for a CPA was received in the USPTO and also include the USPTO organization name that provided the date stamp (stamp may include both items). Verify that the application number provided by applicant on this receipt is the same as the application number provided by applicant on the request for a CPA accompanying this receipt. If there is an inconsistency between the application number provided on this receipt and the request for a CPA, strike through the inconsistent application number provided on this receipt and insert the correct application number, if possible. Then place in a window envelope and mail.		

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